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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/783,931	02/15/2001	David Ish-Horowicz	7326-122	8177
20583 7	590 11/10/2005		EXAMINER	
JONES DAY			KAUFMAN,	CLAIRE M
222 EAST 41S	T ST			
NEW YORK,	NY 10017		ART UNIT	PAPER NUMBER
			1646	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application	n No.	Applicant(s)				
			1	ISH-HOROWICZ ET AL.				
Office Action Summary		Examiner		Art Unit				
		Claire M. h	(aufman	1646				
	The MAILING DATE of this communication	appears on the	cover sheet with the	correspondence ad	ldress			
Period fo	or Reply ORTENED STATUTORY PERIOD FOR RE	DI V 19 9ET T	O EXPIRE 2 MONTH	I(S) OR THIRTY (3	IN) DAVS			
WHIC - Exter after - If NC - Failu Any	CHEVER IS LONGER, FROM THE MAILING nsions of time may be available under the provisions of 37 CF SIX (6) MONTHS from the mailing date of this communication per or per per per per per per per per per pe	G DATE OF TH R 1.136(a). In no event. In a control of the control	IIS COMMUNICATIO int, however, may a reply be ti II expire SIX (6) MONTHS from ication to become ABANDON	N. imely filed in the mailing date of this co ED (35 U.S.C. § 133).				
Status								
1)	Responsive to communication(s) filed on a	mendment filed	i 10/21/05, now enter	red.				
′=	• • • • • • • • • • • • • • • • • • • •	This action is n		_				
3)🖂	Since this application is in condition for allo	owance except	for formal matters, pr	osecution as to the	e merits is			
	closed in accordance with the practice und	ler <i>Ex par</i> te Qu	<i>ayle</i> , 1935 C.D. 11, 4	53 O.G. 213.				
Dispositi	on of Claims							
4)	Claim(s) See Continuation Sheet is/are per	nding in the api	olication.					
•	4a) Of the above claim(s) is/are withdrawn from consideration.							
*	5) Claim(s) <u>29-32,60,61,99-105,107-110,112-126,128-136,138,139,141- 146,152-155, 158-169</u> is/are allowed.							
6)	Claim(s) is/are rejected.							
7)🖂	Claim(s) 156 and 157 is/are objected to.							
8)□	Claim(s) are subject to restriction ar	nd/or election re	quirement.					
Applicati	on Papers							
9)[]	The specification is objected to by the Exan	niner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.								
	Applicant may not request that any objection to	the drawing(s) b	e held in abeyance. Sε	ee 37 CFR 1.85(a).	•			
	Replacement drawing sheet(s) including the coa	rrection is require	ed if the drawing(s) is of	bjected to. See 37 Cl	FR 1.121(d).			
11)	The oath or declaration is objected to by the	e Examiner. No	te the attached Office	e Action or form PT	ГО-152.			
Priority (ınder 35 U.S.C. § 119							
12)	Acknowledgment is made of a claim for fore	eign priority und	ler 35 U.S.C. § 119(a	a)-(d) or (f).				
a)	a) ☐ All b) ☐ Some * c) ☐ None of:							
	1. Certified copies of the priority documents have been received.							
	2. Certified copies of the priority documents have been received in Application No							
	3. Copies of the certified copies of the	•		ed in this National	Stage			
	application from the International Bu	•						
* 8	See the attached detailed Office action for a	list of the certif	ied copies not receive	ed.				
Attachmen	t(s)							
1) Notice of References Cited (PTO-892) A) Interview Summary (PTO-413) Paper No(s)/Mail Date								
	e of Draftsperson's Patent Drawing Review (PTO-948 mation Disclosure Statement(s) (PTO-1449 or PTO/SE		5) Notice of Informal I	Patent Application (PTC	O-152)			
Paper No(s)/Mail Date 6) ☑ Other: <u>See Continuation Sheet</u> .								

Continuation of Disposition of Claims: Claims pending in the application are 29-32,60,61,99-105,107-110,112-126,128-136,138,139,141-146,152-169.

Continuation of Attachment(s) 6). Other: Notice to Comply and Examiner's Comments.

Art Unit: 1646

Sequences

This application contains sequence disclosures that are encompassed by the definitions for nucleic and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth in the attached Notice to Comply with Requirements for Patent Applications Containing Nucleic Sequence and/or Amino Acid Sequence Disclosures.

The amended specification (e.g., Fig. 11, Brief Description on p. 10) describes newly added SEQ ID NO:95 (10/21/05) as "chicken C-Delta-1". However, the Sequence Listing says in feature <213> that this sequence is "Homo sapiens".

Appropriate correction of either the specification or the paper copy of the Sequence Listing and CRF is required.

Examiner's Comments

Claim Objections

Claims 156 and 157 are objected to because of the following informalities: in the fourth line of the claim, "the" should be -said—or the term "vertebrate Delta" should be added after "the" for clarity. Appropriate correction is required.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,337,387 (Sakano) teaches polypeptides which are at least 80% identical to SEQ ID NO:2 of the instant application. However, this patent is not available as prior art because it receives a 102(e) date of 6/18/98, which is later than the priority benefit date of the instant application. US 6,121,045 (McCarthy et al.) teaches the protein of SEQ ID NO:8 which differs from SEQ ID NO:2 of the instant application by a single gap. However, this patent is not available as prior art because it receives a priority date of 4/4/97 at the earliest, which is later than the priority benefit date of the instant application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Claire M. Kaufman, whose telephone number is (571) 272-0873. Dr. Kaufman can generally be reached Monday, Tuesday, Thursday and Friday from 9:30AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, can be reached at (571) 272-0829.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Official papers filed by fax should be directed to (571) 273-8300. NOTE: If applicant does submit a paper by fax, the original signed copy should be retained by the applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Claire M. Kaufman, Ph.D.

Patent Examiner, Art Unit 1646

November 7, 2005

LORRAINE SPECTOR PRIMARY EXAMINER

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	Application No.	Applicant(s)				
	09/783,931	ISH-HOROWICZ ET AL.				
Notice to Comply	Examiner	Art Unit				
	Claire M. Kaufman	1646				
NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES						
Applicant must file the items indicated below within the travoid abandonment under 35 U.S.C. § 133 (extensions						
The nucleotide and/or amino acid sequence disclosure of for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.8		not comply with t	he requirements			
1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).						
2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).						
3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).						
4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."						
5. The computer readable form that has been filed v unreadable as indicated on the attached CRF Disker submitted as required by 37 C.F.R. 1.825(d).						
☐ 6. The paper copy of the "Sequence Listing" is not the as required by 37 C.F.R. 1.821(e).	ne same as the computer readable	e from of the "Sec	quence Listing"			
☑ 7. Other: See attached for SEQ ID NO:95.						
Applicant Must Provide: ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".					
An initial or <u>substitute</u> paper copy of the "Sequence specification.	Listing", as well as an amendmen	t directing its entr	y into the			
A statement that the content of the paper and comp no new matter, as required by 37 C.F.R. 1.821(e) or 1.83			plicable, include			
For questions regarding compliance to these re	equirements, please contact	:				

For Rules Interpretation, call (703) 308-4216

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